

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4525 of 2007

06-03-2007

Between:-

B. Anand Kumar and Company, Zaheerabad, Medak
district,
Rep., by its Proprietor, B. Anand Kumar and another.

Petitioner

And

The Joint Collector, Sanga Reddy,
Medak district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4525 of 2007

Oral order:

The petitioners are license holders under the provisions of the Andhra Pradesh Scheduled Commodities (Licensing and Distribution) Order, 1982 (for short 'the Control Order'). On 13-02-2007, the petitioners' premises were inspected and on an allegation of variations in the stocks of Red Gram and Red Gram Dall, the stocks were seized. Proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') were initiated. In purported exercise of powers under Section 6-A (2) of the Act, the respondents by the order

dated 28-02-2007 directed interim disposal of the seized commodities. The reason recorded for ordering interim disposal is set out in paragraph No.4 of the first respondent's order dated 28-02-2007 and it reads: "*Since, the seized stock is of perishable in nature, the stock is hereby ordered to be disposed off by way of open auction.*"

None of the seized commodities are *per se* subject to speedy and natural decay. The learned Government Pleader for Civil Supplies submits that the reasons recorded by the respondents in the order dated 28-02-2007 directing interim disposal of the seized stock is perverse and is a product of gross non-application of mind.

In the circumstances, the order of the respondents dated 28-02-2007 is set aside. The respondents are however at liberty to pass a fresh order in due recognition of the conditions for exercise of the discretion, as set out in Section 6-A (2) of the Act. The respondents shall also be at liberty to consider any application by the petitioners for grant of interim release of the seized stocks. If any such application is made, the same may be considered in accordance with law uninfluenced by any observations in this judgment. Till a fresh order is passed in accordance with law, the respondents and in particular the first respondent shall not take any steps for interim disposal of

the seized stocks under the provisions of Section 6-A (2) of the Act.

The writ petition is allowed as above at the stage of admission after hearing the learned Government Pleader for Civil Supplies. No costs.

GODA RAGHURAM, J

Dated:06-03-2007

Pvks/*